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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,304	02/13/2002	Susumu Yasuda	03560.003025	4444

5514 7590 09/24/2003

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EXAMINER

PHAN, JAMES

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 09/24/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,304

Applicant(s)

YASUDA ET AL.

Examiner

James Phan

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 31-37 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-30 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I including the species of the second embodiment in Paper No. 8 is acknowledged. The traversal is on the ground(s) that the various embodiments of the invention are so closely related as not to require separate fields of search. This is not found persuasive because (1) as clearly illustrated in the election/restriction requirement, page 3, last paragraph, each invention requires separate field(s) of search, and (2) each of the patentably distinct embodiments requires a separate search for its patentably distinct feature; and thus, a serious burden would impose on the examiner if all claims were searched and examined together.

The requirement is still deemed proper and is therefore made **FINAL**.

Claims 4, 12, 16-17, 19-25, ^{and 31-37} ~~and 27~~ are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention/species.

Applicant timely traversed the restriction (election) requirement in Paper No. 8.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 5/7/02, 5/23/02 and 1/29/03 have been considered by the examiner.

Additional Prior Art Cited

Knipe et al discloses a non-linear hinge for micro-mechanical device; and Miyajima et al discloses a torsional rocker used in an optical scanner.

Allowable Subject Matter

Claims 1-30 are allowed. Non-elected claims 4, 12, 16-17, 19-25 and 27 have been rejoined by the examiner.

The following is an examiner's statement of reasons for allowance: none of the cited prior art teaches or suggests (1) a tiltable-body apparatus comprising a pair of torsion springs having a twisting longitudinal axis, "said torsion springs including a plurality of planar portions, compliant directions of which intersect each other when viewed along a direction of the twisting longitudinal axis, and a center of gravity of said tiltable-body being positioned on the twisting longitudinal axis of said torsion springs" (claim 1, lines 8-12); (2) a tiltable-body apparatus comprising the structure specified in claim 29; and (3) a tiltable-body apparatus comprising a pair of torsion springs having a twisting longitudinal axis, "a cross-sectional shape of said each torsion spring perpendicular to the twisting longitudinal axis being 90-degree or 180-degree rotationally symmetric, said each torsion spring including a plurality of planar portions, and compliant directions of said planar portions intersecting each other when viewed along a direction of the twisting longitudinal axis" (claim 30, lines 8-13).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2872

This application is in condition for allowance except for the presence of claims 31-37 to an invention non-elected with traverse in Paper No. 8. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.


The prosecution of this case is closed except for consideration of the above matter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (703) 308-4810. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (703) 305-0024. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Phan, J.
Sept. 17, 2003


James Phan
Primary Examiner